

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 1 and 5 have been amended. New claims 11-14 have been added. Claims 1-14 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

**Claim Rejections - 35 USC § 102**

Claims 1 and 5 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Dang, *et al.* (U.S. Patent Publication No. 2003/0189896; hereinafter “Dang”). Applicants respectfully traverse the prior art rejection.

Claim 1 relates to a method of re-configuring a network element of a transmission network to restore traffic after a failure. Claim 1 (as amended) recites:

generating a configuration request to implement a new cross-connection through said network element, said configuration request indicating an internal cross-connection of said transmission network to be switched by said network element,  
performing said configuration request in a fetch-ahead phase comprising only configuration steps essential for fast implementation of said new cross-connection and skipping security related configuration steps thereby providing reduced security against process restarts; and  
performing said configuration request in a consolidation phase comprising said skipped security related configuration steps.

Applicants respectfully submit that Dang does not disclose “generating a configuration request to implement a new cross-connection through a network element, said configuration request indicating an internal cross-connection of said transmission network to be switch by said network element” as recited in claim 1. As previously discussed, Dang is concerned with

reestablishing a connection path through a network, as opposed to the method by which individual network elements implement a new cross-connection through a network element.

The Examiner has alleged that Dang's first and last network element of the path must be the same, and thus will be configured a first time and a second time, and additionally, head and tail nodes will both be configured twice by the single configuration request that begins the method of Dang (Advisory Action, lines 3-7).

However, Dang's fast link state announcement is simply a message created along an existing, broken connection to inform the head end node of a failure and thus triggers re-routing. In such a configuration, Dang's head end node is the source of all connection requests. Conversely, in the claimed invention as recited by amended claim 1, the configuration request "indicat[es] an internal cross-connection of said transmission network to be switched by said network element." The disclosure of Dang and Dang's link state announcement fail to teach or suggest such a configuration request as claimed, as Dang's link state announcement only indicates that a failure has occurred.

In response to the link state announcement message in Dang, Dang's head end node determines a new first path and creates a series of connection requests to the involved intermediate network nodes, which then switch the requested internal crossconnections to create the connection. In a second step, Dang's head end node determines a second, better path and creates new connection requests to other network nodes, or even the same nodes, along the second path. Dang's terminating nodes are necessarily the same, however, even these terminating nodes need to switch new internal crossconnections for the second path. As such,

the fast link state announcement is not a configuration request as claimed, but that for each configuration change in Dang's network a new connection request must be sent by Dang's head end node.

Furthermore, Applicants respectfully submit that Dang fails to disclose

performing said configuration request in a fetch-ahead phase comprising only configuration steps essential for fast implementation of said new cross-connection and skipping security related configuration steps thereby providing reduced security against process restarts;  
and performing said configuration request in a consolidation phase comprising said skipped security related configuration steps.

as explained in the response filed October 29, 2007.

Accordingly, Applicant respectfully submit that independent claim 1, as amended, is not anticipated by Dang under 35 U.S.C. § 102(b) because the reference does not disclose all of the features of the claim. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of independent claim 1.

Applicants also respectfully submit that independent claim 5 recites features similar to claim 1, except in apparatus form, and is patentable based on *at least* the same reasoning. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of independent claim 5.

**Claim Rejections - 35 USC § 103**

Claims 2 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dang in view of Ardis, *et al.* (U.S. Patent No. 6,591,373; hereinafter "Ardis"). Claims 3, 4, 8 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dang in view of Legge ("Change

your screen resolution: it could be a whole new ballgame”). Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Dang in view of Jakel, *et al.* (CA 02272425; hereinafter “Jakel”) and Haakana, *et al.* (U.S. Patent No 6,801,774; hereinafter “Haakana”).

Applicants respectfully submit that neither Ardis, Legge, Jakel, nor Haakana compensates for the deficiencies of Dang. Therefore, Claims 2 -4 and 6-9 would not have been obvious under 35 U.S.C. § 103(a) because the applied references, alone or in combination, do not teach or suggest all of the features of the claims. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 2-4 and 6-9.

#### **Newly Added Claims**

Claims 11-14 have been newly added by this amendment, and are distinguished over the cited references based on their dependencies as well as for their additionally recited elements. In particular, exemplary claim 11 recites that “said configuration request to implement a new cross-connection is completely fulfilled in said first fetch-ahead phase.” Furthermore, exemplary claim 12 recites that “said internal cross-connection of said transmission network immediately after said first fetch-ahead phase is the same as said internal cross-connection of said transmission network immediately after said second consolidation phase.” Although Dang teaches a two step method to configure a network, the network configuration after the first and the second steps are essentially different. In exemplary embodiments of the present invention, the network configuration after the first and second phases are the same, and there is only one request to establish an internal cross-connection. As disclosed in exemplary embodiments of the present invention, the requested configuration is immediately fulfilled in the first phase and the

configuration is not changed in the second phase. Claims 13 and 14 are dependent upon claim 5, and are similarly distinguished over the cited references for analogous reasons.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Lenny R. Jiang  
Registration No. 52,432

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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